IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 13123 of 2007(K)

PETITIONER:

MAR ATHANASIUS COLLEGE ASSOCIATION,
KOTHAMANGALAM, REP.BY ITS
SECRETARY, PROF. M.P.VARGHESE.

BY ADV. SRI.K.RAMAKUMAR
SMT. ANU THANKAM CHERIYAN

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
ADIMALI.

2. THE SUB INSPECTOR OF POLICE,
ADIMALI.

3. SRI BABU P. KURIAKOSE,
S/O. KURIAKOSE, PALLATHUKUDI HOUSE,
ADIMALIKARA, MANNAMKANDAM, DEVIKULAM TALUK,
IDUKKI DISTRICT.

BY ADV. SRI.THAMPAN THOMAS for R3
SMT.K.S.SABITHA
BY GOVERNMENT PLEADER SRI. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.13123/2007 K

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P1; COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

/TRUE COPY/

P.A.TO JUDGE

KSS

K.BALAKRISHNAN NAIR&

HARUN-UL-RASHID, JJ.

W.P.(C) NO. 13123 OF 2007-K

Dated 24th August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court, praying for police protection against the alleged obstruction caused by the 3rd respondent, for doing quarrying work in the property owned by it. In fact, there was a contract between the petitioner and the 3rd respondent for doing the work. The petitioner submits that the contract was awarded to him under the wrong impression that the 3rd respondent was having all requisite statutory clearances and licences for doing the work. Later, the said impression was found to be wrong and the Geologist imposed a fine on the petitioner, as the blasting of the rocks was done by the 3rd respondent, who did not have the licence for the same. The petitioner submits that now it has engaged a new contractor Mr.K.V.Mohanan, who is having all the statutory clearances. When the work was done by the said contractor, the 3rd respondent and his men started causing obstruction. Therefore, the petitioner filed Ext.P1

representation before the second respondent seeking police protection and thereafter, this writ petition is filed. This Court issued a direction to the police to see that law and order is maintained. The 3rd respondent now submits that the petitioner wants to wriggle out of the contractual obligation to him and for that this writ petition is filed.

2. The dispute between the petitioner and the 3rd respondent has to be resolved by the civil court or other appropriate authorities. But, no one shall be allowed to take the law into his hands. Therefore, this writ petition is disposed of, maintaining the interim order passed by this Court on 13.4.2007.

K.BALAKRISHNAN NAIR, JUDGE.

HARUN-UL-RASHID, JUDGE.